

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

MICHAEL CARTER,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00273

HERBERT L. HIVELY, II

Defendant.

**MEMORANDUM OPINION AND ORDER**

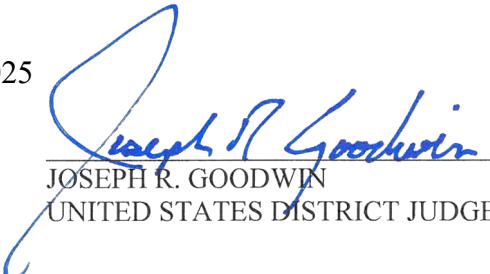
This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On April 16, 2025, Magistrate Judge Tinsley submitted his Proposed Findings & Recommendations, [ECF No. 23], (“PF&R”) and recommended that the court grant the Defendant’s motion to dismiss and dismiss the case from the court’s active docket. Neither party timely filed objections to the PF&R nor sought an extension of time.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** the Defendant’s motion to dismiss, and the case is **DISMISSED**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 21, 2025

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE